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12

13 **IN THE UNITED STATES DISTRICT COURT**

14 **FOR THE DISTRICT OF NEVADA**

15 TAMMI BRANDT, an Individual

16 Plaintiff,

17 v.

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19 **MEDTRONIC, INC., a Minnesota Corporation**

20 **and DOES I through X, inclusive, and ROE**

21 **CORPORATIONS I through X, inclusive**

22 **Defendants.**

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Case No.: 2:14-cv-01112-MMD-NJK

**STIPULATION AND
[PROPOSED] ORDER TO EXTEND THE
TIME TO FILE RESPONSE TO
COMPLAINT
(Fourth Request)**

Defendant MEDTRONIC, INC. (“Defendant” and Plaintiff TAMMI BRANDT (“Plaintiff”), by and through their undersigned counsel, hereby file this Stipulation and Proposed Order to extend the deadline for filing and serving a response to Plaintiff’s Complaint (“Complaint”). The stipulation is based on the following facts:

1. The deadline for Defendant to respond to Plaintiff’s Complaint was originally November 12, 2014.

1 2. Plaintiff and Defendant previously agreed to an extension for the filing and serving
2 of a response to the Complaint, extending the deadline to file and serve a response to the Complaint
3 up to and including December 15, 2014. This was the first such extension requested by the parties,
4 which the Court approved on November 9, 2014.

5 3. After this first extension, the parties and their counsel continued their active pursuit
6 of negotiations in hope of resolving this case without further legal expenses and going forward with
7 responsive pleadings and other corresponding case procedures and processes may hinder the current
8 resolution efforts. Furthermore, due to some scheduling issues for Plaintiff and a move as well as
9 the closure of Defendant's offices for the last two weeks of the year, the parties anticipated it would
10 take additional time to finalize the discussions.

11 4. To that end, Plaintiff and Defendant conferred and reached an agreement on
12 December 12, 2014 to further extend the deadline for the filing and serving of a response to the
13 Complaint an additional forty-five (45) days, setting the deadline for all named Defendants to file
14 and serve a response to the Complaint up to and including January 29, 2015.

15 5. However, despite best efforts in the early part of January, the parties remained close
16 but were unable to resolve the matter and requested a third extension to March 16, 2015. Since that
17 time Defendant has provided additional details relating to its potentially case dispositive defense of
18 preemption. At the same time Plaintiff has had a surgery to remove the product at issue. The
19 parties have continued to have meaningful discussions. Due to these additional scheduling issues
20 and complexities involved in the negotiation process, the parties anticipate it will take additional
21 time to finalize these discussions, thus requiring an additional extension of time beyond the current
22 March 16, 2015 response deadline. The parties seek to avoid the issues they expect to arise if
23 Defendant files its motion to dismiss based on preemption as it may impact the ability of the parties
24 to come to resolution at such time.

25 6. This is the fourth such extension requested by the parties.

26 NOW THEREFORE, in consideration of the foregoing, the parties, through their respective
27 counsel, stipulate and agree and/or request of the Court as follows:

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1 1. That the deadline for Defendant to file and serve a response to the Complaint is
2 extended up to and including **April 16, 2015**.

3 2. That the existence of this stipulation does not constitute a waiver of Defendant's
4 rights or prejudice any affirmative defenses Defendant may assert as to the underlying action,
5 including any and all jurisdictional defenses.

6 DATED this 12th day of March, 2015.

7 GREENBERG TRAURIG, LLP

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27 **IT IS SO ORDERED and the new response deadline will be April 16, 2015:**



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UNITED STATES DISTRICT JUDGE
29 Dated: 3/18/2015